

REMARKS

The Office Action mailed July 31, 2002, has been received and reviewed. Claims 1-61 are currently pending in the application and subject to a Restriction Requirement. Pursuant to a telephone conference between Applicant's attorney, Bradley B. Jensen, and Examiner Adolfo herein on July 15, 2002, a provisional election was made, with traverse, to prosecute the claims of Group I, claims 1-46 and 59-61. Applicant hereby confirms the election of Group I, claims 1-46 and 59-61, and does so without traverse.

Claims 1-32, 41-44 and 59 have been allowed. Claims 33, 45, 60 and 61 stand rejected. Claims 34-40 and 46 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation. Applicant has cancelled claims 47-58, amended claims 33, 45 and 60, entered new claims 62 and 63, and respectfully requests reconsideration of the application as amended herein.

Objection to the Specification

The Examiner objects to the specification stating that reference numeral "352" on page 15, line 6, should be -- 354 -- . Applicant has amended the specification herein in accordance with the Examiner's suggestion.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 5,115,260 to Hayward et al.

Claims 33, 45, 60 and 61 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hayward, et al., (U.S. Patent No. 5,115,260). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention

must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 33

Claim 33, as amended herein, is directed to a strain control device. The strain control device includes: a body having a first end and a second end; and at least one cavity formed within a surface of the body between the first end and the second end, the at least one cavity configured to receive at least a portion of a transmission line therein, and wherein the at least one cavity defines a deviation path for the at least a portion of the transmission line *such that the at least a portion of the transmission line is enabled to be displaced between the first boundary of the cavity and the second opposing boundary of the cavity upon the elongation and contraction of the body.*

Applicant submits that Hayward fails to teach all of the limitations of claim 33 as amended herein. Specifically, Hayward fails to teach that the at least one cavity defines a deviation path for the at least a portion of the transmission line *such that the at least a portion of the transmission line is enabled to be displaced between the first boundary of the cavity and the second opposing boundary of the cavity upon elongation and contraction of the body.*

Applicant submits that Hayward fails to teach any elongation or contraction of the device disclosed thereby and, furthermore, fails to teach that a portion of a transmission line be displaceable between two different boundaries of a cavity at any time while disposed therein. As such, Applicant submits that claim 33 is clearly allowable over Hayward and respectfully requests reconsideration and allowance thereof.

Claim 45

Claim 45, as amended herein, is directed to a strain control device. The strain control device includes: a body having a first grasping member configured to frictionally engage a first portion of a transmission line and a second grasping member configured to frictionally engage a

second portion of the transmission line; and at least one cavity defined in the body between the first grasping member and the second grasping member, the at least one cavity being configured to accommodate a third portion of the transmission line therein and defining a deviation path for the third portion of the transmission line *such that third portion of the transmission line may be displaced between a first boundary of the deviation path and a second opposing boundary of the deviation path upon elongation and contraction of the body.*

Applicant submits that Hayward fails to teach all of the limitations of claim 45 as amended herein. Specifically, Hayward fails to teach that the at least one cavity is configured to accept a third portion of the transmission line and define a deviation path for the third portion of the transmission line *such that the at least a portion of the transmission line is enabled to be displaced between the first boundary of the cavity and the second opposing boundary of the cavity upon elongation and contraction of the body.*

Applicant submits that Hayward fails to teach any elongation or contraction of the device disclosed thereby and, furthermore, fails to teach that a portion of a transmission line be displaceable between two different boundaries of a cavity at any time while disposed therein. As such, Applicant submits that claim 45 is clearly allowable over Hayward and respectfully requests reconsideration and allowance thereof.

Claims 60 and 61

Claim 60, as amended herein, is directed to a strain control device comprising: a body having a first plurality of cavities arranged in a longitudinally extending pattern, *each cavity being at least partially defined by a first wall and a second wall which laterally deviates from the first wall*; and a first plurality of grasping members, wherein at least one grasping member of the first plurality is disposed between each of two adjacent cavities of the first plurality of cavities.

Applicant submits that Hayward fails to teach all of the limitations of claim 60 as amended herein. Specifically, Hayward fails to teach a cavity being at least partially defined by a first wall and second wall which laterally deviates from the first wall.

Applicant, therefore, submits that claim 60 is allowable over Hayward and respectfully requests reconsideration and allowance of the same.

Applicant further submits that claim 61 is allowable as being dependent from an allowable base claim and respectfully requests reconsideration of the same.

Objections to Claims 34-40 and 46 / Allowable Subject Matter

Claims 34-40 and 46 stand objected to as being dependent upon a rejected base claim, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Applicant respectfully requests reconsideration of claims 33-40 and 46 and submits that the same are now in condition for allowance.

ENTRY OF NEW CLAIMS

New claims 62 and 63 should be entered by the Examiner because they are supported by the as-filed specification and drawings and do not add any new matter to the application. Furthermore, Applicant notes that new claim 62 includes the subject matter previously set forth in dependent claim 34 which was indicated by the Examiner as containing allowable subject matter. Also, claim 63 includes the subject matter previously set forth in dependent claim 46 which was indicated by the Examiner as containing allowable subject matter. Applicant, therefore, respectfully requests entry and allowance of new claims 62 and 63.

ENTRY OF AMENDMENTS

The amendments to claims 33, 45 and 60 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add

any new matter to the application. Further, the amendments do not raise new issues or require a further search.

CONCLUSION

Claims 1-46 and 59-63 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



Bradley B. Jensen
Registration No. 46,801
Attorney for Applicant
TRASKBRITT, PC
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: (801) 532-1922

BBJcsk:djp

Date: November 25, 2002

Enclosure: Version With Markings to Show Changes Made

N:\2507\5087\Amendment.wpd

**VERSION OF REPLACEMENT PARAGRAPHS OF SPECIFICATION
WITH MARKINGS TO SHOW CHANGES MADE**

[0066] The adapter 350 is designed such that the inner radius ~~352~~ [354] is sized and configured to fit around a transmission line of a particular size. The outer radius 356 of the adapter 350 is configured to fit within one of the openings 206, 210 and 224 (FIG. 3) of a strain control device. The adapter 350 may then function as the opening into which it is inserted but with a different internal diameter so as to frictionally or snugly grasp a transmission line of a smaller diameter positioned within a body 202, 302. The adapter 350 may be sized and configured so as to effect an interference or compression fit between the adapter 350 and the opening 206, 210, 224 into which it is inserted. Thus, by using the adapter 350, a strain control device having openings 206, 210, and 224 exhibiting a particular size and configuration may accommodate transmission lines of numerous sizes and/or configurations.

VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

33. (Twice Amended) A strain control device comprising:
a body having a first end and a second end; and
at least one cavity formed within a surface of the body between the first end and the second end,
the at least one cavity configured to receive at least a portion of a transmission line
therein and wherein the at least one cavity defines a deviation path for the at least a
portion of the transmission line such that the at least a portion of the transmission line is
enabled to be displaced between the first boundary of the cavity and the second
opposing boundary of the cavity upon the elongation and contraction of the body.

45. (Twice Amended) A strain control device comprising:
a body having a first grasping member configured to frictionally engage a first portion of a
transmission line and a second grasping member configured to frictionally engage a
second portion of the transmission line; and
at least one cavity defined in the body between the first grasping member and the second
grasping member, the at least one cavity being configured to accommodate a third portion
of the transmission line therein and defining a deviation path for the third portion of the
transmission line such that third portion of the transmission line may be displaced
between a first boundary of the deviation path and a second opposing boundary of the
deviation path upon elongation and contraction of the body.

60. (Twice Amended) A strain control device comprising:
a body having a first plurality of cavities arranged in a longitudinally extending pattern, each
cavity being at least partially defined by a first wall and a second wall which laterally
deviates from the first wall; and

a first plurality of grasping members, wherein at least one grasping member of the first plurality is disposed between each of two adjacent cavities of the first plurality of cavities.